

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RENA FENNELL WALKER,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:08-CV-151
)	(VARLAN/SHIRLEY)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley on June 23, 2009. [Doc. 18.] There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Shirley recommended that plaintiff's Motion For Summary Judgment [Doc. 11] be granted in part as to Plaintiff's request for a remand, the Commissioner's Motion for Summary Judgment [Doc. 15] be denied without prejudice; and the action be remanded to the ALJ pursuant to sentence four of 42 U.S.C. § 405(g), for clarification of the weight accorded to the opinion of plaintiff's treating physician, Dr. Laman, in regards to the plaintiff's physical impairment, and the reasons for according such weight.

The Court has carefully reviewed this matter, including the underlying pleadings. [Docs. 11; 12; 15; 16; 17.] The Court is in agreement with Magistrate Judge Shirley's

recommendation which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation. [Doc. 18.] Additionally, Plaintiff's Motion for Judgment on the Pleadings [Doc. 11] is **GRANTED** to the extent that this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for a new hearing consistent with this opinion and Magistrate Judge Shirley's Report and Recommendation and the Commissioner's Motion for Summary Judgment [Doc. 15] is **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE